IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7991 of 2005

Between:

Mohammed Abdul Altaf Aziz S/o.Mohammed Abdul Basith
Sanathnagar , Hyderabad.

..... PETITIONER

AND

The Regional Passport Officer
Regional Passport Office Secunderabad.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus, or any other appropriate writ, order or direction, declaring the action of the respondent in not providing birth as 27-11-981 in the Place of 27-11-1977 as illegal, arbitrary and violative of principles of natural justice and for a consequential order directing the respondent to issue passport to the petitioner by rectifying the date of birth as 27-11-1981 instead of
27-11-1977.

Counsel for the Petitioner:MR.CH.DHANAMJAYA

Counsel for the Respondent: MR.P.CHANDRASEKHAR REDDY (SC FOR CENTRAL GOVERNMENT)

The Court, at the stage of admission, made the following :

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ORDER:

The petitioner has applied for correction of his date of birth in his passport as 27-11-1981 instead of 27-11-1977 on the basis of his S.S.C. Certificate. In response to the said request, the respondent, by letter dated 22.03.2005 informed the petitioner that it is observed from the records that the petitioner has passed SSC in the year 1998 much prior to obtaining passport from their office and that suppression of any material information or providing any false information is an offence under the passport Act, 1967 and therefore, called upon the petitioner to furnish his explanation within 15 days from the date of receipt of the said letter.

The petitioner states that he has submitted necessary explanation on 04.04.2005 enclosing Secondary School Certificate and explaining that the Agent has wrongly mentioned the year of birth due to inadvertence. The only grievance of the petitioner is that under the guise of the inquiry the respondent has been delaying issuing the passport with correct date of birth. Hence, this writ petition seeking a declaration that the action of the respondents in not providing the passport duly correcting the date of birth is arbitrary and illegal.

Heard learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent.

As held by this Court in a judgment in MOHAMMAD DILAWAR SHARIFF v. UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF EXTERNAL AFFAIRS, NEW DELHI AND ANOTHER correction of Date of Birth in the passport once issued is not permissible. However, it is to be noted that subsequently, the Government of India, Ministry of External Affairs has issued a Circular dated 18-04-2001, under which it is now permissible for the Regional Passport Officer to affect

the corrections under certain circumstances specified under the circular.

It is true that in the case on hand the respondent has issued a notice on 22-03-2005 calling upon the petitioner to explain the allegations that he suppressed the material information while obtaining the passport. However, since the petitioner states that he has already submitted his explanation on 4-4-2005, without expressing any opinion on merits, the Writ Petition is disposed of with a direction to the respondents to consider the explanation submitted by the petitioner dated 4-4-2005 and if the same is found to be satisfactory to consider the request of the petitioner for the correction of his date of birth in terms of the Circular dated 18-04-2001 within a period of two weeks from the date of receipt of this order. No costs.

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11.04.2005

Note : Furnish C.C in two days.

(B/O)

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To

1)The Regional Passport Officer
Regional Passport Office Secunderabad.

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